v. *Stevenson,* 104 Iowa 50, 73 N. W. 360. The court, determining that this statute permitted involuntary servitude for an offense not adjudged a crime, held it to be in violation of the Thirteenth Amendment and therefore unconstitutional. See 11 MICH. L. REV. 159.

CONSTITUTIONAL LAW—REFERENDUM AS POLITICAL QUESTION.—Whether or not a state has ceased to be republican in form within the meaning of the guaranty of United States Constitution, Article 4, Section 4, because it has made the referendum a part of the legislative power, is not a judicial question, but a political one, which is solely for Congress to determine. *State of Ohio ex rel. Davis* v. *Hilderbrant* (1916), 36 Sup. Ct. 708.

It will be noticed that the Constitution does not itself define the term "republican form of government." It has, however, always been an accepted rule of construction that technical and special terms used in the Constitution are to be given that meaning which they had at the time that instrument was framed. Turning to history contemporary with the framers of the Constitution and recalling their love of liberty and desire for the fullest political freedom, is it not probable that the phrase "republican form of government" was used as a guarantee against any monarchial rule that might threaten a state rather than as a denial of a free and unhampered democratic form of government? The political philosophy of many of the framers favored a centrifugal as opposed to a centripetal system and a consequent desire that as much power should be left in the people as was compatible with a representative system of government. Judge COOLEY on page 45 of his Constitutional Limitations (7th Edition) states that the purpose of this guarantee is to "protect a Union founded on republican principles, and composed entirely of republican members, against aristocratic and monarchial innovations." But whether the adoption of the referendum by the citizens destroys the republican form of government in the state is a political question. *Pacific States Telephone & Telegraph Co.* v. *Oregon,* 223 U. S. 118, 56 L. Ed. 377, 32 Sup. Ct. 224. Political questions are to be determined by Congress. *Luther* v. *Borden,* 7 How. 1, 12 L. Ed. 581; *Neely* v. *Henkel,* 180 U. S. 109, 45 L. Ed. 448, 21 Sup. Ct. 302; *Riverside County* v. *San Bernardino County,* 134 Cal. 517, 66 Pac. 788; *Parker* v. *State,* 133 Ind. 178, 32 N. E. 836, 33 N. E. 119, 18 L. R. A. 567. The only difficulty about the question seems to arise from a failure to realize that the legislative duty of determining the political questions involved in deciding whether or not a government is republican in form is entirely different and separate from the judicial power and duty of upholding and enforcing, whenever it becomes necessary in a controversy properly submitted, the applicable provisions of the Constitution as to each and every exercise of governmental power.

CORPORATIONS—CORPORATION AS PLAINTIFF IN ACTION FOR LIBEL.—X Navigation Co., a corporation, charges in one count that D caused to be published in a newspaper the statement that X Navigation Co. had unfairly discriminated in freight and passenger rates, a statutory offense punishable by a heavy fine; and on the second count charges a signed statement by D in a news-

paper to the effect that X Navigation Co. had "robbed the people all these years." D demurs to both counts. *Held,* demurrer must be sustained as to first count, but overruled as to second. *Puget Sound Navigation Co.* v. *Carter* (D. C. 1916), 233 Fed. 832.

D's contention is that the first statement is not definite enough to be a direct accusation of a statutory offense, and that, as the corporation could not possibly be a "robber" and the context of the obnoxious phrase fails to constitute an innuendo which would be defamatory in nature, and as special damage is not alleged in either count, the plaintiff's case fails. The first contention is good, but as to the second the libelous statement describes a course of business of the Navigation Co., and the meaning of the words is plainly defamatory, whatever the precise phraseology may be. Such expressions tend to injure the corporation in its business reputation and credit, and such injuries are the elements of damage in any action for defamation of a corporation. *Adolf Philipp Co.* v. *New Yorker Staats-Zeitung,* 150 N. Y. Supp. 1044; *Pacific Packing Co.* v. *Bradstreet Co.,* 25 Idaho 696. Competition is a good thing and to be encouraged, but libel, even against a corporation, is a forbidden tool. *P. L. Hennessey & Bro.* v. *Traders' Insurance Co.,* 87 Miss. 259. If the publication does *not* tend to injure the business reputation of the corporation, special damage *must* be alleged and proved. *Hopkins Chemical Co.* v. *Read Drug & Chemical Co.,* 124 Md. 210. If, as in the present case, the publication *does* tend to injure the corporation's business reputation and credit, special damage need *not* be alleged and proved. *Daily* v. *De Young,* 127 Fed. 491; *Bee Publishing Co.* v. *World Publishing Co.,* 62 Neb. 732; *Reporters' Association of America* v. *Sun Publishing Co.,* 186 N. Y. 437; *Burr's Damascus Tool Works* v. *Peninsular Tool Mfg. Co.,* 142 Mich. 417; *Pacific Packing Co.* v. *Bradstreet Co.,* 25 Idaho 696. In *Kemble & Mills* v. *Kaighn,* 131 N. Y. App. Div. 63, it is stated that the law is "definitely settled" in New York that a corporation complainant in action for libel need neither allege nor prove special damage "where the language used is defamatory in itself and injuriously and directly affects its credit and necessarily and directly occasions pecuniary injury."

CORPORATIONS — CORPORATION'S RESPONSIBILITY FOR ACTS OF CORPORATION CONTROLLED BY IT.—Where the entire stock of A Co. is owned by B Co., 98½% of whose stock is owned in turn by C Co., and the directors of all three companies are practically the same; *held,* that B Co. and C Co. are properly joined with A Co. in a federal prosecution under the Clayton Act based on illegal leases made by A Co., although neither fraud nor conspiracy is alleged. *United States* v. *United Shoe Machinery Co.* (D. C. 1916), 234 Fed. 127.

"Courts, and especially courts of equity, will look beyond the corporate action, and if it clearly appears that one corporation is merely a creature of another, the latter holding all the stock of the former, thereby controlling it as effectively as it does itself, it will be treated as the practical owner of the corporation when necessary for the purpose of doing justice." This quotation from the opinion gives an excellent, if somewhat liberal, statement of